

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

TIMOTHY BLACKSHEAR,
TDCJ-CID NO. 934725,
SID NO. 2569650,
Previous TDCJ No. 430552,

Plaintiff,

V.

YOLANDA M. CORRELL, Lieutenant,
et al.,

Defendants.

CIVIL ACTION NO.
1:11-CV-00205-C

ECF

ORDER

Plaintiff Timothy Blackshear filed a civil rights complaint pursuant to 42 U.S.C. § 1983 and named Lt. Yolanda M. Correll, Lt. William J. Wheat, Sgt. Melissa A. Balderas, Sgt. Donna W. Sanchez, Sgt. Richard D. Zavala, and COIII Walter Miles, employees of the Texas Department of Criminal Justice, Correctional Institutions Division (“TDCJ-CID”) French Robertson Unit as Defendants, in their individual capacities and official capacities. Plaintiff alleges that Defendants subjected him to an unnecessary strip search and cavity search in the presence of females who were not his wife in violation of his constitutional right to privacy and bodily integrity and to be free of unreasonable searches, his free exercise right to practice modesty and humility as a part of his Christian faith, and the Religious Land Use and Institutionalized Persons Act (“RLUIPA”).

In light of the Fifth Circuit Court of Appeals' decision in *Robledo v. Leal*, USCA No. 12-10441, an unpublished opinion issued on June 21, 2013, this Court declines to adopt the Magistrate Judge's Report and Recommendation filed on January 25, 2012, and finds that Plaintiff has stated

claims of constitutional violations sufficient to require responsive pleadings from Defendants Correll, Wheat, Balderas, Sanchez, Zavala, and Miles.

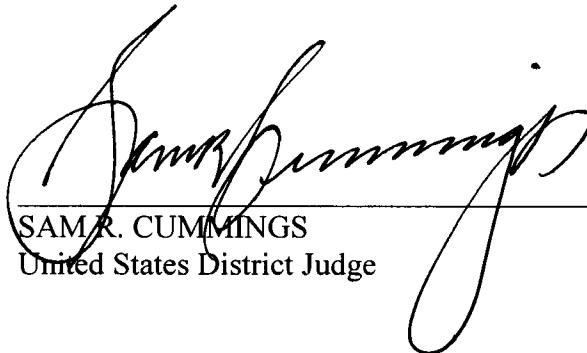
It is, therefore, ORDERED:

1. A copy of this Order and Plaintiff's complaint shall be mailed to the Inmate Litigation Coordinator, Enforcement Division, P.O. Box 12548, Capitol Station, Austin, Texas 78711-2548, by certified mail, return receipt requested.

2. Defendants Correll, Wheat, Balderas, Sanchez, Zavala, and Miles shall each file a written answer or other responsive pleading within thirty (30) days from the date the Inmate Litigation Coordinator receives this Order.

3. "Plaintiff's *Pro Se* Motion for a Second Federal Evidentiary Hearing, After Fifth Circuit Court of Appeals Decision in *Robledo v. Leal, et al.*, No 12-10441, June 21, 2013," filed on July 16, 2013, is DENIED.

Dated July 18, 2013.



SAM R. CUMMINGS
United States District Judge